

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

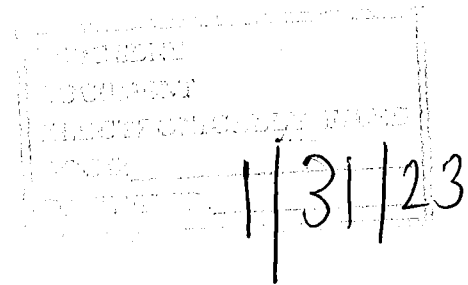
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MARCUS ANDRE DODD,  
Plaintiff,

v.

MY SISTERS' PLACE, INC.; KAREN  
CHEEKS-LOMAX, Individually; THOMAS  
RICE, Individually; ROBERT R.  
GHEEWALLA, Individually; SUZANNE  
SEIDEN, Individually; BARBARA RAHO,  
Individually; EVAN J. COHEN, Individually;  
LINDA PURVIS, Individually; HILARY  
TUOHY, Individually; CHERYL  
GREENBERG, Individually; PETER CUTAIA,  
Individually; MARIA FAUSTINO, Individually;  
DANIA JONES-BROWN, Individually; and  
CHRISTINA DEBONIS, Individually,  
Defendants.  
-----X

**ORDER**

21 CV 10987 (VB)



On December 21, 2021, plaintiff, proceeding pro se and in forma pauperis, commenced this action against My Sisters' Place ("MSP"), as well as individual members of MSP's Board of Directors and its employees. (Doc. #2).

On April 27, 2022, plaintiff filed an amended complaint, naming two additional defendants: Hilary Tuohy, improperly named as Hilary Touhy, and Linda Purvis. (Doc. #37; see also Doc. #49, at 1 n.1).

On May 18, 2022, defendants Evan J. Cohen, Peter Cutaia, Christina Debonis, Maria Faustino, Robert R. Gheewalla, Cheryl Greenberg, Dania Jones-Brown, Barbara Raho, Suzanne Seiden, and Purvis (the "Moving Defendants") moved to dismiss the amended complaint. (Doc. #47). Defendants MSP, Cheeks-Lomax, and Rice filed an answer and MSP filed counterclaims. Plaintiff subsequently filed an answer to the counterclaims.

In his opposition to the motion to dismiss, plaintiff cross-moved for leave to amend. (Doc. #55).

On January 17, 2023, the Court issued an Opinion and Order, allowing certain claims against defendant Gheewalla to proceed but dismissing all other claims against the Moving Defendants. To afford plaintiff an opportunity to demonstrate the existence of valid claims against defendants Raho, Seiden, and Purvis, the Court denied plaintiff's cross-motion without prejudice to refile a motion for leave to amend accompanied by a proposed second amended complaint. The Court instructed plaintiff to notify the Court by January 31, 2023, whether he

intended to so move. The Court also cautioned plaintiff that he failed to state a claim against defendant Tuohy, who has not yet been served, and that if plaintiff declined to file leave to amend, the Court would sua sponte dismiss plaintiff's claims against her. (Doc. #65).

By letter dated January 30, 2023, plaintiff has now informed the Court he does not intend to move for leave to file a second amended complaint. (Doc. #66).

Accordingly, it is hereby ORDERED:

1. The Court sua sponte dismisses plaintiff's claims against defendant Tuohy.
2. By February 14, 2023, Robert R. Gheewalla shall file an answer to the amended complaint.
3. The Clerk is instructed to terminate Hilary Tuohy, Barbara Raho, Suzanne Seiden, and Linda Purvis as defendants in this action.

By separate order, the Court will schedule an initial pretrial conference.

Dated: January 31, 2023  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge